

## **APPENDIX I-4**

Florida Department of Environmental Protection  
Division of Air Resource Management

Regional Haze Second Implementation Period  
EPA State Implementation Plan Hearing Summary  
July 15, 2021, 2:00 pm



# FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

Division of Air Resource Management  
Regional Haze Second Implementation Period  
EPA State Implementation Plan Hearing  
July 15, 2021, 2:00 pm

Pursuant to 40 CFR 51.102, the Florida Department of Environmental Protection (Department) held a public hearing and allowed opportunity to comment on a proposed revision to Florida's State Implementation Plan (SIP) under the Clean Air Act. This proposed SIP revision addresses regional haze in Florida's mandatory federal Class I areas and nearby Class I areas for the second implementation period of the U.S. Environmental Protection Agency's regional haze rule. During the FLM consultation period, DEP received comments from the National Park Service noting that Florida's regional haze SIP has satisfied the reasonable progress requirements for Everglades National Park, although more work will need to be done in future implementation periods.

The Department held the hearing on July 15, 2021 at 2:00 pm at the Bob Martinez Center, 2600 Blair Stone Road, Room 176, Tallahassee, Florida and offered accessibility through a virtual meeting option. The virtual meeting option was provided to allow maximum public participation.

Mr. Hastings Read, Deputy Director of the Division of Air Resource Management (DARM), gave a brief PowerPoint introduction. Ms. Alex Buss, with DARM, moderated the virtual Microsoft Teams meeting.

Thirty-five individuals attended the public hearing either in person, via Microsoft Teams, or by telephone. The following individuals attended and provided oral and/or written comments during the public hearing:

NAME	AFFILIATION
Janet Cavanaugh	Stop the Burn – Go Green Campaign
Ulla Reeves	National Parks Conservation Association, Senior Advocacy Manager in the Air and Climate Program
Carol Lindsey	Florida Clinicians for Climate Action, Family Nurse Practitioner
Robert Mitchell	Stop the Burn – Go Green Campaign

<b>NAME</b>	<b>AFFILIATION</b>
	Black Lives Matter Friends of the Everglades
Allie Preston	Friends of the Everglades
Sheila Calderon	Sierra Club
Claude Gerstle MD	Florida Physicians for Climate Action Sierra Club Citizens' Climate Lobby
Jacqueline Cruet	National Parks Conservation Association
Patrick Ferguson	Sierra Club Stop the Burn – Go Green Campaign
Carrie Roach	Broward Organized Leaders doing Justice (BOLD) Justice, Chaplain Minister; Certified biology teacher
Heidi Juhl	Sierra Club (provided written comments via email – see below)

Below is a summary of the comments received from each individual during the hearing.

**Janet Cavanaugh Comments:**

Most citizens in the Glades community did not know about the green harvesting alternative to burning sugar cane. The haze and smoke between October through May is not a necessary thing. The haze and smoke impact the Everglades area because the plumes travel south. The plumes do not travel east because the companies are forbidden to burn when the smoke would travel to the eastern affluent communities, i.e.: Royal Palm Beach, Wellington, etc. When traveling from the east into the Glades area, you experience the haze. Closer to Belle Glade, you see the emissions from the sugar mills; usually you would see steam, now you see a brown orange smoke. We need to look at this issue from a local perspective.

**Ulla Reeves Comments:**

Commented verbally during hearing and submitted written comments (see written comments below).

**Carol Lindsey Comments:**

The Department should consider and evaluate area source emissions from sugar cane burning which causes a haze and consider equity and environmental justice regarding the sugar cane burning releasing air pollutants which affect the vulnerable Glades communities. Pollutants include PM<sub>2.5</sub>, PM<sub>10</sub>, nitric oxides, and sulfur dioxides. Palm Beach county produces more particulate matter from agricultural burning than any county nationwide. Sugar cane burning is linked to respiratory disease, cancers, kidney diseases, and poor infant health outcomes. These affect the most vulnerable young and elderly. There is a solution – green harvesting, which mechanically separates sugar cane leaves and tops from the stalks before they burn off. Countries currently using green harvesting

include Brazil, Australia, Zimbabwe, Thailand and Cuba. Louisiana also practices green harvesting with up to 65% of crops being harvested this way. The Department should investigate this.

**Robert C. Mitchell Comments:**

Residents of the Glades area have experienced black snow, haze, and deadly driving conditions for many years due to smoke from sugarcane burning. There are measures and solutions available that the sugar mills could be required to use to reduce the haze for safety, for the residents, and for the Everglades. Green harvesting will protect our environment, create jobs for the Glades communities, protect the air and bring prosperity to the area.

**Allie Preston Comments:**

The regional haze rule is an important part of the Clean Air Act that is designed to protect air quality and visibility in vital natural areas. Everglades National Park is one of the Class I designated areas by the Clean Air Act. Pollution from many industrial sources can affect visibility in these areas; however, the Department's Regional Haze plan only considers four sources for full four-factor analysis and fails to consider the full range of emissions from point source and non-point source pre-harvest sugar cane burning emitted by the Florida sugar industry. This source is well documented for impacts miles beyond burn sites and blanketing communities with ashes and smoke and dangerous particulate matter. As proposed, we are concerned that the plan does not assure reasonable progress toward the national goal of achieving natural visibility conditions in Class I areas. Air pollution has no boundaries. Everglades National Park is not the only wild space at risk. Friends of the Everglades would like the Department to widen the scope of industrial sectors considered and raise the bar to improve air quality and visibility at national parks and wild areas across the state.

**Sheila Calderon Comments:**

The state of Florida should rewrite the regional haze plan to reduce and eliminate air pollution that harms the health of people and wildlife and to eliminate air pollution that exists in the communities that surround the sugar cane industry. The industry must go to green harvesting. The industry impacts the health of many people in the Glades area and it is inexcusable that the industry has not gone to green harvesting as other countries have done. Florida should take action on this matter.

**Claude Gerstle, MD, Comments:**

Indoor air quality is not the problem causing asthma but rather outdoor air pollution. There is no excuse for air pollution from open burning and smoke to reach areas of the population, especially blacks, because of their greater rate of asthma. This is not a third world country. Florida is facing the effects of climate change. The Department should consider CO<sub>2</sub> as a major air pollutant in Florida, change the rules regarding haze, and stop agricultural burning completely.

**Jacqueline Cruet Comments:**

Commented verbally during hearing and submitted written comments (see written comments below).

**Patrick Ferguson Comments:**

This is a great opportunity for the Department to preserve and protect Class I areas and national parks from sources of haze air pollution and address inequality and environmental justice. Pre-harvest sugar cane field burning impacts the Glades community and is a major source. Palm Beach County alone is home to 75% of total sugar cane acreage grown and burned each year and produces more emissions, including emissions that produce regional haze, than any other county in the United States. The sugar cane industry is not currently required to account for the emissions that are produced through this industrial-scale open burning. Therefore, the Department can require that the sugar cane industry go through the four-factor test to be held fully accountable for all the emissions produced through the sugar cane manufacturing process. There is a readily available cost-effective alternative: non-burn green harvesting. The sugar industry already uses green harvesting based on the condition of certain fields or when they are denied burn permits based on weather conditions; therefore, green harvesting is an existing alternative in place that can reduce their overall emissions. By requiring the sugar industry go through this mandatory four-factor process, it can incentivize the transition to green harvesting which is in compliance with the Biden-Harris administration executive order on environmental justice. By taking these steps in incentivizing green harvesting, the Department can not only help mitigate pollution to Everglades, they can help create and incentivize green jobs, mitigate climate change, and address the environmental justice of sugar cane burning.

**Carrie Roach Comments:**

When sugar cane burning is occurring, students become ill and cannot learn or function, no matter their race, income, or immigration status. Sugar cane burning has to stop. Sugar cane burning kills; green harvesting saves lives.

## **Ulla Reeves Comments:**

Good afternoon, my name is Ulla Reeves, I am the Senior Advocacy Manager in the Air and Climate Program of the National Parks Conservation Association. Thank you for the opportunity to comment today on Florida's Regional Haze plan. I want to focus specifically on the new memo issued by the U.S. EPA on July 9 as it underscores many of NPCA's concerns that we have outlined in detail in our technical comments submitted on the same date. We urge Florida DEP to ensure that before submitting a final SIP to EPA, full consideration of this Clarification Memo is conducted and adjustments are made accordingly to the SIP. While we know and appreciate that the state prides itself on timely submission of SIPs – it is far more important that DEP get this plan right on the front end.

1. **First, the Memo clarifies that States must secure additional emission reductions that build on progress already achieved, there is an expectation that reductions are additive to ongoing and upcoming reductions under other CAA programs; yet the state of Florida improperly concludes that almost no new reductions in pollution are warranted despite the tens of thousands of tons of controllable pollution through cost-effective controls from sources across the state including coal-fired powered plants, sugar cane production, pulp and paper and chemical facilities, among so many others.**

  - **In addition, EPA says that states should set source selection thresholds that capture "a meaningful portion of the state's total contribution to visibility impairing Class I areas."**
  - NPCA identified 80 sources of visibility-polluting facilities in Florida, including 19 coal-fired units, but DEP only chose to review 11 total sources and conducted four factor analyses on only 4.

2. **Second, EPA expects states to consider BOTH sulfur dioxide (SO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>); Due to its reliance on the flawed VISTAS modeling, Florida has erroneously omitted**

consideration of nitrogen oxide pollution in its entire analysis. DEP MUST go back and revise the plan to include consideration of NOx.

3. **Third, if a state argues that a source is effectively controlled to avoid evaluating additional controls or lower limits, it must demonstrate that a four-factor analysis would be “a futile exercise;” and “A reasonable four factor analysis will consider the full range of options for reducing emissions – in many cases EPA expects states to find that new or additional measures are necessary to make reasonable progress;”**
  - But out of the sources selected by DEP, 7 were inappropriately exempted from four-factor analyses and of the four that received complete review, only minimal emission reductions were identified and none for NOx. At the very least, these four factor determinations should have included NOx and resulted in greater emission reducing measures.
4. **Fourth, source shutdowns that are relied on to forgo a four-factor analysis or to shorten the remaining useful life of a source must be included in the SIP;** DEP is improperly including reliance on announced, but not committed retirements in the SIP. DEP must codify retirements or fuel switches in order to rely on these emission reductions.
5. **Finally, EPA encourages states to consider “equity and environmental justice impacts” in source selection and emission control determination.** To our knowledge, DEP has not conducted any kind of EJ screen or consideration of disproportionate impacts analyses to the sources selected or reviewed. DEP must go back and revisit environmental justice considerations.

That concludes my comments, thank you for your time and all your work on this plan.

## Jacqueline Cruet Comments:

Comments on Florida Regional Haze Rule  
Jacqueline Cruet  
National Parks Conservation Association  
305.900.7679

Greetings and thank you for the opportunity to speak about the need to revise the proposed State Implementation Plan to address Florida's Regional Haze.

My name is Jacqueline Cruet and I grew up in Florida and have spent the majority of my adult life here. I represent National Parks Conservation Association (NPCA), which is a national, nonpartisan nonprofit organization with 1.6 million members and supporters across the country and over 90,000 here in Florida. We speak up for our national parks, including Florida's 11 beautiful and historic national park sites that bring millions of visitors to our state each year. We appreciate everybody's time today to speak on clean air and its importance to our state and ecosystems.

NPCA has been working for decades as a champion of Everglades ecosystem restoration in order to protect our environment and wildlife, our national parks and our quality of life.

I'm here today to express concern of the lack of protections for our parks and communities in Florida's proposed regional haze plan. The state's plan does not come close to meeting the requirements of the Federal Clean Air Act nor the U.S. Environmental Protection Agency's Regional Haze Rule and, if left unchanged, would do little to limit haze-causing pollution from impairing protected public lands such as Everglades National Park and the Chassahowitka and St. Marks Wilderness Areas as well as Class One areas located outside Florida given that air, polluted or not, has no boundaries.

In order for Florida to fulfill its Regional Haze obligations under the Clean Air Act and make arguably reasonable progress, we ask that DEP:

- revise the methodology used in source selection such that nitrogen oxides are included for consideration and that all polluting facilities are fully analyzed for reasonable progress in this planning period including all coal-fired power plants and the sugar cane sector – both point and non-point sources,
- and reconsider additional or upgraded pollution control options for sources that were exempted from four-factor analysis to ensure that best available controls are required.
- Furthermore, the state should revisit the rule to ensure that any power plant retirement it counts on for pollution reduction is made enforceable in its State Implementation Plan.

Specifically, NPCA recommends that:

- OUC Stanton should not be allowed to burn coal at the facility beyond 2027 or earlier
- Big Bend Units 2&3 should have enforceable retirements by 2023 in the SIP and Units 3&4 should not be allowed to co-fire coal, effective immediately, since both units can burn gas
- The Seminole coal facility should have an enforceable retirement requirement in the SIP by 2028, which is the end of the planning period.
- Disallow GRUs Deerhaven facility from burning any coal, effective immediately, as it is fully equipped to burn gas.

Poor air quality in our national parks threatens our economies because as we know, in Florida, our environment is our economy. Last year alone, Florida's national parks drew millions of visitors who spent \$521 million in local economies and supported 7,490 jobs in the state. Without strong safeguards protecting the air we breathe, we can't keep these places and local economies strong, let alone keep



people healthy and build resilience to a changing climate. Every visitor to a national park and wilderness area deserves to experience clean air and clear views. We urge you to revise this regional haze plan to ensure that it actually reduces air pollution and accounts for all sources of emissions. Thank you.  
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## Heidi Juhl Comments:

**From:** [Read, Hastings](#)  
**To:** [Long, Terri](#)  
**Subject:** FW: Florida Regional Haze Program Public Hearing  
**Date:** Thursday, July 15, 2021 5:02:16 PM

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FYI

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**From:** Heidi Juhl <hjuhlesq@yahoo.com>  
**Sent:** Thursday, July 15, 2021 4:25 PM  
**To:** Read, Hastings <Hastings.Read@FloridaDEP.gov>  
**Cc:** zach.kopkin@sierraclub.org  
**Subject:** Florida Regional Haze Program Public Hearing

Good afternoon, Hastings. Thank you for today's hearing.

I strongly support the many comments today urging revision of the proposed FL DEP plan to reduce the pollution ("haze") that continues to plague south Florida's western communities.

- The proposed plan does not meet Federal Clean Air Act requirements for air quality in national parks.
- The proposed plan wrongfully finds that no further emission reduction actions are necessary.
- The proposed plan fails to consider nitrogen oxide emissions.
- The pollution emitted from south Florida agricultural industry operations not only fouls our national parks, it creates health, aesthetic, and quality of life problems for residents of surrounding communities.
- The pollution from these agricultural operations has been allowed for decades. Cane burning is an archaic practice and not the best practicable method. Green harvesting would eliminate the pollution caused by cane burning. There is no plausible reason not to ban burning and mandate an alternative such as green harvesting. Such action is long overdue.

By effectively addressing park 'visibility' problems now, you will improve the quality of life for thousands of Floridians. Clean air is a right. There is no competing right to pollute the air. FDEP is charged with protecting Florida's environment (it's in your name). Please take this opportunity to develop and implement a plan that resolves this problem now. Not in a few years. Not in ten or twenty years. Not in 2064.

Heidi Juhl  
Juno Beach